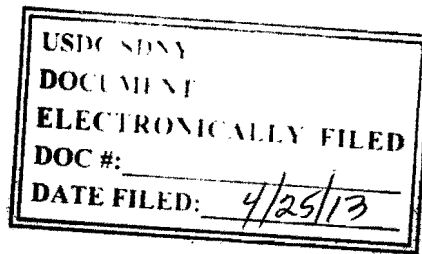


Sedgwick<sub>LLP</sub>Michael H. Bernstein  
(212) 898-4011

michael.bernstein@sedgwicklaw.com

April 23, 2013

Via E-mail (EngelmayerNYSDChambers@nysd.uscourts.gov)

Hon. Paul A Engelmayer  
 United States District Court Judge  
 United States District Court for the  
 Southern District of New York  
 500 Pearl St.  
 New York, NY 10007-1312

MEMO ENDORSED

Re: *Ronald A. Roganti v. Metropolitan Life Insurance Company et al.*  
 Civ. Act. No. 12-cv-0161(PAE)  
 File No.: 00584-007613

Dear Judge Engelmayer:

This office represents the Defendants in the above-referenced action. We write to request leave to file a Memorandum of Law of up to thirty-five pages in support of Defendants' arguments both in support of their request for judgment dismissing Plaintiff's complaint on summary trial and in opposition to the arguments raised in Plaintiff's Memorandum of Law in support of his request for judgment against the Defendants. Under your Honor's Individual Rules and Practices in Civil Cases, Memoranda of Law for *motions* are limited to twenty-five pages. But it is important to remember that Defendants' Memorandum of Law concerns its arguments for judgment following a Summary Trial, not in support of a motion. Thus Defendants require the additional briefing pages in order to articulate their own positions and also respond to the arguments advanced by Plaintiff in his Memorandum of Law filed on March 29, 2013 (Doc. No. 36). Notably, Plaintiff's Memorandum of Law is twenty-five pages and Plaintiff will also have an additional ten pages of briefing on his Reply, giving Plaintiff a total of thirty-five pages of briefing. Thus, as things currently stand, Plaintiff has the benefit of an additional ten pages of briefing on Summary Trial. In addition, Plaintiff has both the opportunity to present his arguments first and to have the last word in his Reply. By contrast, Defendants must make all of their arguments, both in support of their Summary Trial contentions and in opposition to Plaintiff's arguments, in a single submission.

Today, we discussed this issue with Plaintiff's counsel. Plaintiff's counsel maintains that this request for additional briefing was previously made during a December 10, 2012 call with the Court and that the Court denied the request. The Order issued December 10, 2012 setting forth the briefing schedule does not set any page limitations or reflect that any request for additional pages was previously made by Defendants and denied by the Court. (Doc. Nos. 23, 34). Our recollection of this discussion is that the Court denied the Defendants' initial request as premature, but did so without prejudice to Defendants renewing this request if they believed additional pages of briefing are required once they had received Plaintiff's Memorandum of Law. We therefore respectfully renew Defendants' previous request for additional pages

Hon. Paul A. Engelmayer

Re: Ronald A. Roganti v. Metropolitan Life Insurance Company et al.

Civ. Act. No. 12-cv-0161(PAE)

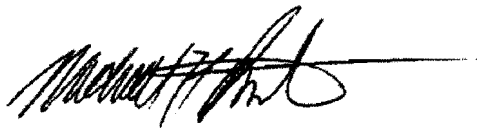
April 23, 2013

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of briefing. The basis for renewing this request is that Plaintiff has now submitted an initial brief that used the full allotment of twenty-five pages. Defendants do not believe that they can adequately respond to Plaintiff's arguments and also set forth their own contentions in only twenty-five pages. Plaintiff's counsel has advised us that he would not consent to Defendants' request for these additional pages unless Plaintiff received an additional five pages for his Reply, for a total of fifteen pages. Since Defendants are simply seeking parity of page limits on the parties' respective Summary Trial briefing, Plaintiff's request would again provide him with an unfair page advantage, without even requiring him to explain (as Defendants have done herein) why he needs the extra pages and before he has even received Defendants' Memorandum of Law. Nonetheless, if the Court is inclined to grant Defendants' request only upon giving Plaintiff an additional five pages for his Reply, Defendants consent to this request.

Thank you for your consideration of this matter.

Respectfully submitted,



Michael H. Bernstein  
Sedgwick LLP

MHB

cc: David G. Gabor Esq.

*Defendants are granted 10  
additional pages; plaintiff  
is granted five additional  
pages.*

*4/25/13*

**SO ORDERED:**



**HON. PAUL A. ENGELMAYER  
UNITED STATES DISTRICT JUDGE**